

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

YA-FENG WANG,

Plaintiff,

v.

DEPARTMENT OF THE NAVY, and

DANIELLE WILKERSON,

Defendants.

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No. 1:19-cv-03768-TWP-TAB

SCREENING ORDER

This matter is before the Court pursuant to 28 U.S.C. § 1915(e)(2)(B) on Plaintiff Ya-Feng Wang’s (“Plaintiff”) Complaint for Employment Discrimination. The Court previously granted Plaintiff’s Motion to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. § 1915 ([Filing No. 5](#)).

Because Plaintiff is allowed to proceed *in forma pauperis*, this action is also subject to screening pursuant to 28 U.S.C. § 1915(e)(2)(B). District courts have an obligation under 28 U.S.C. § 1915(e)(2)(B) to screen complaints before service on the defendant and must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. Plaintiff’s Complaint seeks damages and injunctive relief for claims of employment discrimination pursuant to Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 against the Department of the Navy and Danielle Wilkerson as an “agency representative” of the Navy. At this time, the Court has not determined that the action must be dismissed pursuant to § 1915(e) and therefore **shall proceed**. This ruling is without prejudice to the filing of a proper Rule 12 motion.

The Clerk is **designated** pursuant to Federal Rule of Civil Procedure 4(c) to issue process to Defendants Danielle Wilkerson and the Department of the Navy. The Marshal for this District

or his Deputy shall serve the summons, together with a copy of the Complaint ([Filing No. 1](#)) and a copy of this Entry, on the Defendants and on the officials designated pursuant to Fed. R. Civ. P. 4(i)(2), at the expense of the United States.

Furthermore, a “Submission of Proof of Service” was incorrectly docketed in this matter at [Filing No. 6](#). The filing should have been docketed in case number 1:19-cv-3678, not this case number, 1:19-cv-3768. Therefore, [Filing No. 6](#) is **stricken** from the record in this matter, and the Clerk is **directed** to correctly docket the “Submission of Proof of Service” in case number 1:19-cv-3678.

Additionally, the administrative law judge who oversaw this matter at the administrative level, Johanna Philhower Maple, was improperly included as a defendant on the Court’s CM/ECF docket. Therefore, the Clerk is **directed** to terminate Johanna Philhower Maple as a defendant in this matter.

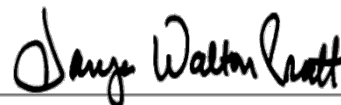
SO ORDERED.

Date: 10/7/2019

Distribution:

Ya-Feng Wang
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Danielle Wilkerson
Department of the Navy
300 Highway 361, Bldg. 2
Crane, IN 47522



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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